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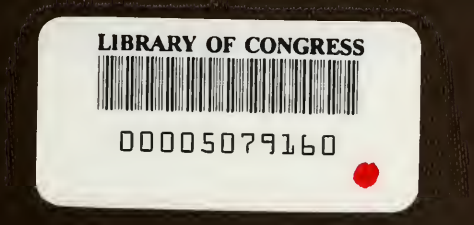

DOCUMENTS

IN

RELATION TO THE DIFFERENCES

WHICH SUBSISTED BETWEEN THE

LATE COMMODORE O. H. PERRY

AND

CAPTAIN J. D. ELLIOTT.

WASHINGTON:
1821.

BOSTON:
1834.

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Source unknown

PREFACE.

When the late Commodore Perry was about to sail on the cruise which terminated his valuable life, he requested Commodore Decatur to take charge of the following documents to keep Captain Elliott in check during his absence; and, if any accident happened to him while on his cruise, that they might be published, as the most effectual means which would then be left, of guarding his character against the baseness and falsehood of Captain Elliott.

The original documents of which these are copies, had all been transmitted to the Navy Department by Commodore Perry, some time before; but, in consequence of a great proportion of the necessary witnesses being on the Mediterranean station, a court-martial could not be convened prior to his sailing.

The Hon. Benjamin W. Crowninshield,
Secretary of the Navy Department.

Sir: I have the honor to lay before you copies of a letter lately received by me from Captain Jesse D. Elliott of the Navy, and of certain certificates enclosed therein, with copies also of my letter in reply, and of the affidavits of Lieutenants Turner, Stevens, and Champlin, and Dr. Parsons.

The conduct of Captain Elliott, partially presented to view in these papers, and still more clearly marked by other acts of that officer within my knowledge, and fully susceptible of proof, imposes on me the duty of preferring against him the charges which accompany this letter; and I now accordingly do prefer said charges against Captain Elliott, and request that a court-martial may be ordered for his trial thereupon.

The facts upon which some of these charges are founded (particularly those relating to the behaviour of that officer during the engagement on Lake Erie,) having been long in my possession, you will expect me to account for my not having sooner made them known to the government, and for having mentioned favorably, in my official report of that action, an officer whose conduct had been so reprehensible.

At the moment of writing that report, I did in my own mind avoid coming to any conclusion to what cause the conduct of Captain Elliott was to be imputed; nor was I then fully acquainted with all the circumstances relating to it. Having previously to the engagement given all the orders which I thought necessary to enable every officer to do his duty, and feeling confidence in them all, I was, after it commenced, necessarily too much engaged in the actual scene before me to reflect deliberately upon the cause which could induce Captain Elliott to keep his vessel so distant both from me and the enemy. And after the battle was won, I felt no disposition rigidly to examine into the conduct of any of the officers of the fleet; and, strange as the behaviour of Captain Elliott had been, yet I would not allow myself to come to a decided opinion, that an officer who had so handsomely conducted himself on a former occasion, (as I then in common with the public had been led to suppose Captain Elliott had) could possibly be guilty of cowardice or treachery. The subsequent conduct also of Captain Elliott; the readiness with which he undertook the most minute services; the unfortunate situation in which he now stood, which he lamented to me, and his marked endeavors to conciliate protection—were all well calculated to have their effect. But still more than all, I was actuated by a strong desire that in the

fleet I then had the honor to command, there should be nothing but harmony after the victory they had gained, and that nothing should transpire which would bring reproach upon any part of it, or convert into crimination the praises to which they were entitled, and which I wished them all to share and enjoy. The difficulties produced in my mind by these considerations, were, at the time, fully expressed to an officer of the fleet in whom I had great confidence. If I omitted to name Captain Elliott, or named him without credit, I might not only ruin that officer, but, at the same time, give occasion to animadversions which, at that period, I thought would be little to the honor or advantage of the service. If my official report of that transaction is reverted to, these embarrassments with respect to Captain Elliott, under which I labored in drawing it, will, I believe, be apparent. That report was very different from what had been expected by the officers of the fleet; but, having adopted the course which I thought most prudent to pursue with regard to Captain Elliott, I entreated them to acquiesce in it, and made every exertion in my power to prevent any further remarks on his conduct—and even furnished him with a favorable letter or certificate for the same purpose, of which he has since made a very unjustifiable use.

These, sir, are the reasons which induced me at the time not to bring on an inquiry into his conduct. The cause and propriety of my now doing so will, I trust, require but few explanations. I would willingly, for my own sake as well as his, (after the course I had pursued for the purpose of shielding him,) have still remained silent; but this, Captain Elliott will not allow me to do. He has acted upon the idea, that by assailing my character he shall repair his own.

After he was left in the command on Lake Erie, I was soon informed of the intrigues he was there practising, some of which are detailed in these charges. These I should not have regarded as long as they were private; but I then determined and declared to many of my friends in the navy, that should Captain Elliott ever give publicity to his misrepresentations, I would then demand an investigation of the whole of his conduct. This necessity is now forced upon me.

Believing my hands to be bound, and even braving me with the very certificate afforded to him in charity, this officer at last addresses directly to myself, and claims my acquiescence in the grossest misrepresentations—not only of his own conduct on Lake Erie, but of conduct and declarations which he imputes to me.

Thus has Captain Elliott himself brought his own conduct on Lake Erie again into view, and, by involving with it imputations upon mine, has compelled me to call for this inquiry.

He can make no complaint, therefore, of delay in bringing forward any of these charges. Those which regard his conduct on Lake Erie, and his justification, (if he has any,) are besides as perfectly susceptible of proof now as at any earlier period. Whatever the character of that behaviour was, it was witnessed by such numbers as to leave nothing in it equivocal or unexplained. Some of the officers who were with him may still be called upon, and although two or three others are deceased, yet so were they when Captain Elliott himself called for a Court of Inquiry. Certificates also were obtained from those officers by Captain Elliott while living, the originals of which are in the Department, and it may be seen by them that those officers, if present, would have no testimony to give which could at all militate with these charges. There are as many officers deceased from whose testimony Captain Elliott would have much more to fear, than he would have to hope from that of the officers above alluded to. A Court of Inquiry consisting of three officers was once called at the request of Captain Elliott, in consequence (if I recollect rightly) of some allusions to the conduct of the Niagara, supposed to be contained in the British Commodore Barclay's report; and though that inquiry (of which no notice to attend as witnesses was given to any of the commanders of vessels on Lake Erie) could only be a very limited one, and could involve no actual trial upon Captain Elliott's conduct, yet he undoubtedly had before that Court all such witnesses as could testify in his favor, and the record of that testimony (if any of those witnesses are deceased) will avail him. Captain Elliott, therefore, can suffer nothing from the lapse of time, and it would indeed be a strong pretension in him to claim protection from inquiry into his conduct, at the same time that he is giving notoriety to his own representations of it, and that too to the prejudice of others.

I am, sir, fully sensible how troublesome the frequent examinations into the conduct of officers has been to the government, and how disagreeable they must have become. I am aware, also, that the public are justly dissatisfied with them, and that reproach has brought upon the service by means of them. I have, therefore, avoided asking for this investigation as long as I possibly could do so with any justice to the service, or to my own character.

I have the honor to be,
Sir,
Your most obedient servant,
O. H. PERRY.

CHARGES

Preferred by Captain Oliver H. Perry against Captain Jesse D. Elliott, of the United States Navy.

FIRST CHARGE.

That the said Captain Elliott having, on the 10th September, 1813, during the engagement on Lake Erie, between the American and British fleets, before the eyes of the enemy, conducted himself in his command of the United States brig Niagara, in such a manner as to incur the reproaches of the American fleet, and of the American army, then stationed in the neighborhood under the command of Major General Harrison, and of the citizens of the surrounding country; and having, in this unfortunate situation, experienced from his commanding officer all the relief, and the most friendly countenance and support, which, (without absolute inconsistency with truth,) it was in the power of that officer to afford him, was, as soon as left in the command on that Lake, and after the departure of his said commanding officer, guilty of conduct unbecoming an officer and a gentleman, by immediately entering upon and pursuing a series of intrigues, designed to repair his own reputation at the expense and sacrifice of his said commanding officer.

Specification first.

Because the said Captain Elliott, on or about the month of November, 1813, procured a certificate from Lieutenant Smith, whom the said Elliott had attempted to dishonor, by representing him as guilty of misconduct during said engagement; which certificate was intended to reflect on the said Captain Perry; insidiously to misrepresent his conduct during said engagement, and to impeach the truth of his official report thereof. And because, at or near the same time, the said Captain Elliott procured a certificate to be signed by Lieutenant Edwards, Purser Magrath, Dr. Parsons, and acting Sailing Master Webster, having the same import and design, and containing a perverted statement of the conduct and language of the said Captain Perry, when he came on board of the Niagara during said battle, although the said Elliott well knew that neither of the said officers were then present; that the said Edwards was on the forecastle, that the said Magrath was at the time absent from that vessel, and the said doctor and Sailing Master were in the cockpit, or elsewhere below, and could neither of

them have had any personal knowledge of the pretended facts stated, which they could only have taken from the representations of the said Captain Elliott himself; which certificates, in such manner obtained, were, by the said Captain Elliott, without notifying the said Captain Perry, procured to be transmitted to the Secretary of the Navy, for the purpose of injuring the reputation of the said Captain Perry in the opinion of the government.

Specification second.

Because the said Captain Elliott, at Baltimore, in or about the month of January, 1815, in presence of Captain Charles Ridgely, of the United States Navy, did falsely, and with malice, represent the conduct of his said commanding officer in said engagement on the 10th September, 1813; insinuating that, when the said commanding officer came on board of the Niagara during said battle, he was in despair, and ready, to all appearance, to surrender the fleet; but the said commanding officer, finding no reason to believe that he, the said Captain Elliott, would consent to such a measure, the fight was renewed, and he, the said Captain Elliott, cheered and reanimated his said commanding officer. And, at Lake Erie, on or about the month of January, 1814, in the presence of Lieutenant Concklin, did make the same, or similar, false imputations upon the conduct of his said commanding officer.

Specification third.

That he, the said Captain Elliott, during the months of October and November, 1813, repeatedly stated to Doctor Wallace, of Erie, and to others, that his said commanding officer had, under the influence of fear or despair, thrown overboard *his flag*, called the *motto-flag*, which had been prepared by Captain Perry to excite and encourage his men—containing the dying words of Lawrence, after whom this ship was named, "don't give up the ship," and the said flag had been picked up by another officer; which said assertions, said Elliott knew to be false, and that said flag was still flying on board of the Lawrence when Captain Perry left that vessel and was never lost or thrown overboard by any one.

Specification fourth.

That the said Elliott, about the month of September, 1813, made, or procured to be made and exhibited to some of the officers, a false drawing or sketch of the battle of the 10th of Sep-

tember, 1813, in which drawing he placed himself in the Niagara, and in the Somers, in positions of danger and service he never had occupied during the engagement; and represented other vessels, which had gallantly fought and distinguished themselves, in situations distant from the scene of action, and as rendering no service.

Specification fifth.

That, on or about the 22d October, 1813, at Erie, he, the said Captain Elliott, in presence of General Harrison, asserted that he, the said Elliott, was in close action during the whole of said engagement; that the said Captain Perry had done him injustice in not so stating in his official report; and that said Perry had promised, before said official report was despatched, to alter that part of it to which he, the said Elliott, objected, but had failed to do so; all which representations he, the said Elliott, knew to be wholly without truth.

Specification sixth.

Because the said Captain Elliott, at Erie, in the months of November and December, 1813, and, from that time, until he left the station at Lake Erie, about the month of May 1814; and, also, at Buffalo, during the same period, and particularly in November and December, 1813, did, in a manner calculated to bring contempt and reproach upon his profession, and upon the service, continually assail and beset the inhabitants of those towns, and the vicinity, (especially those most ignorant, and easily imposed upon,) with verbal accounts and descriptions of the engagement of the 10th September on Lake Erie, destitute of all truth, and calculated to reflect on the said Captain Perry; and falsely to assume to himself a principal share in the victory obtained on said Lake.

Specification seventh.

Because the said Elliott, at Lake Erie, on or about the 28th October, 1813, did descend to various unmanly acts, in order to prevail upon Lieutenant Turner to give him such a certificate of good conduct, in the engagement of the 10th of September, as he knew could not be given with truth; and, although Lieutenant Turner not only resisted his importunities, but showed a strong repugnance to giving him any certificate whatever, yet the said Captain Elliott pursued and urged him: and, finally, appealed to his feelings, by saying that the unfavorable reports of his conduct, during the said battle, had come to the ears of his wife, had rendered her unhappy, and declaring, upon

his honor, that, if Lieutenant Turner would give him a certificate, he would make no other use of it than as a means of allaying her uneasiness; and, by such unworthy means, the said Captain Elliott succeeded in extorting from said Lieutenant Turner such a certificate as that gentleman hoped he might venture to give for such an occasion.

Specification eighth.

Because the said Elliott, in the months of October and November, 1813, resorted to unbecoming acts and persuasion, in order to prevail on other officers, then under his command, (particularly Sailing Masters Champlain, Brownell, and M'Donald,) to give him certificates of good conduct in said engagement of 10th September, so contrary, to their opinions, that all, or most of them, refused to give any such certificate.

Specification ninth.

Because the said Captain Elliott, at Erie, on or about the 10th November, 1813, in a manner derogatory to the character of an American officer, questioned some of the British officers, then prisoners, of whom he had the charge, (particularly Lieutenant Bignall,) relative to his, the said Captain Elliott's conduct in the late engagement, and for the purpose of obtaining from them a favorable declaration of his having been in close action in the Niagara during said engagement.

Specification tenth.

Because the said Captain Elliott, on the night of the 19th September, on Lake Erie, (having first, in a previous interview, exciting the compassion of his commanding officer, by lamenting the injury his character had sustained, and declaring that he had lost the finest opportunity that ever man had of distinguishing himself,) did address to the said officer a note in the style of friendly solicitation, calculated to produce in his favor, from said officer, an expression of the friendly disposition and wish to relieve the said Captain Elliott, manifested by that officer in said interview; and did afterwards, in the Erie Gazette of 1st November, 1813, cause a false copy of said note (of his) to be published; by which, said note was made to assume a different tone and import; and did, also, at the same time, cause to be published, in said Gazette, the friendly letter or certificate of his said commanding officer as being a reply thereto.

All which practices, stated in the foregoing specifications, were resorted to by the said Captain Elliott, after his com-

manding officer had exerted, to his utmost personal influence with the officers of the fleet and others, for the purpose of screening the said Captain Elliott from the consequences of his conduct during said engagement; and had, in drawing his official report of that engagement, studiously labored to devise some pardonable mode of representing that transaction, by which he might be able, happily, to get over the objectionable part of said Elliott's conduct on that day, and, at the same time, to name him with credit and honor.

Specification eleventh.

Because the said Captain Elliott did, on the 14th May, 1818, address to the said Captain Perry a letter, enclosing therein, as the cause of said letter, copies of certain certificates, stating expressions, alleged to have been made use of by Captain Perry towards the said Captain Elliott, without calling upon the said Captain Perry to avow, deny, or explain, or justify said expressions, descending to the most unmanly and vulgar abuse. In which said letter, also, the said Captain Perry is represented wholly without truth, as having declared to Capt. Elliott, at Erie, that, if he would not dwell on the action, he, the said Perry, would write a private letter to the Honorable Secretary of the Navy, and express his surprise that the country did not give him, the said Captain Elliott, half the honor of the victory, and in the same letter, the said Elliott again misrepresented the style and import of his said note, mentioned in the last specification, giving it the tone of a *categorical demand* upon the said Captain Perry, to contradict the reports which were put in circulation prejudicial to the character of the said Captain Elliott, as if he, the said Captain Elliott, would insinuate that at the time of writing of the said note he considered said reports to have been put in circulation by the said Capt. Perry, and that he accordingly called upon him, in said note, to contradict them.

CHARGE SECOND.

Conduct unbecoming an officer, and manifesting disregard of the honor of the American flag.

Specification first.

Because the said Captain Elliott, about the 1st of October, 1813, on board the gunboat Scorpion, commanded by Sailing Master Champlain, then on Lake St. Clair, in the presence of said Champlain, intemperately and unjustly abused the said Captain Perry, his said commanding officer on lake Erie, and expressly declared that he had had it in his power to destroy

the fleet, and the said Perry with it, and he only regretted that he had not done so; and further there declared, that the officers and men of the Lawrence were not entitled to prize money, on account of the vessels of the enemy captured on lake Erie, but that the officers and crews of the other vessels of the American fleet were entitled to prize money for the recapture of the Lawrence. And because the said Captain Elliott did again, at Buffalo, in November and December, 1813, publicly express the same wish, that he had sacrificed the American fleet on lake Erie, together with the said Captain Perry its commander.

Specification second.

Because the said Captain Elliott, at Erie, on or about the 26th October, 1813, declared, in the presence of Dr. Wallace of that place, that it would be a serious question between the two governments (meaning the American and British) whether Captain Perry was not to be considered as a prisoner of war.

Specification third.

Because the said Captain Elliott, in the month of November, 1813, at Erie and at Buffalo, asserted publicly, that the American flag, for the first time since the declaration of war, had been disgraced on board the Lawrence, (meaning that such disgrace had been incurred by that vessel, in the engagement on 10th September, on lake Erie.)

Specification fourth.

Because the said Elliott, at Erie, in the months of October and November, 1813, declared in presence of Dr. Wallace of that place, and others, that the American fleet had gained no honor in the engagement on the 10th September on lake Erie, and that, from the superiority of force, the British fleet might have been taken in fifteen minutes; although he, the said Captain Elliott, well knew that the force of the enemy, in that engagement, was superior to that of the American fleet.

CHARGE THIRD.

That the said Captain Elliott was guilty of oppression towards certain officers and men under his command on Lake Erie.

Specification first.

Because the said Captain Elliott, on Lake Erie, on or about the month of January, 1814, put Lieutenant Conklin under ar-

rest, without any other cause than that the said Lieutenant Concklin went out of said Captain Elliott's cabin, declaring to him that he would not remain there to hear such reflections upon the character of Captain Perry, as were then made by the said Captain Elliott, which reflections are stated in the second preceding specification, first charge.

Specification second.

Because the said Captain Elliott violently beat with a trumpet one of the men on board of the gunboat Somers, for laughing when he perceived, or supposed, the said Captain Elliott to dodge a chain-shot, which happened to pass over that vessel, near to Captain Elliott, during the engagement of 10th September, 1813.

Specification third.

Because the said Captain Elliott, during the months of November and December, 1813, while left in command on Lake Erie, took every opportunity of manifesting an unjust hostility towards the surviving officers and men of the Lawrence, and particularly towards such officers of the fleet as had declined giving him certificates of good conduct; on all occasions selecting such officers and men for the most severe duties, and placing them in the most uncomfortable situations; in such manner as to excite the observation of the whole fleet.

CHARGE FOURTH.

That the said Captain Elliott, on the 10th September, 1813, being then a Master Commander in the Navy of the United States, and commanding the United States brig Niagara, one of the American squadron on Lake Erie, did not use his utmost exertion to carry into execution the orders of his commanding officer to join in the battle on that day between the American and British fleets.

Specification of the fourth charge.

Because the American squadron having sailed, in search of the enemy, a few days previous, the following orders and instructions were issued by the commanding officer, viz. 1st—An order directing in what manner the line of battle should be formed; the several vessels to keep within half cable's length of each other, and enjoining it upon the commanders to preserve their stations in the line, and, in all cases to keep as near

to the commanding officer's vessel, the Lawrence, as possible; 2d—An order of attack; in which order the Lawrence was designated to attack the enemy's new ship, (afterwards ascertained to have been named the Detroit,) and the Niagra, commanded by the said Captain Elliott, designated to attack the enemy's ship "Queen Charlotte;" which orders were then communicated to all the commanders, including the said Captain Elliott, who, for that purpose, and to receive further orders and instructions, were, by signal, called together by the said commanding officer, and all the said commanders, including the said Captain Elliott, were then, by the said commanding officer, expressly further instructed, that "if, in the expected engagement, they laid their vessels close along side of those of the enemy, they could not be out of their way." 3d—When coming into action, an order was passed, by trumpet, for the vessels astern to close up in the line; and, after the enemy had commenced firing, the signal was made, by the said commanding officer, for the fleet to come into action, each vessel against her opponent, as before designated; yet did he, the said Captain Elliott, notwithstanding said orders, and in violation thereof, keep his said brig, the Niagara, nearly a mile's distance astern of the Lawrence, and a still great distance from the whole of the enemy's fleet, during more than two hours of the battle, although but a few moments before its commencement he was within hail of the Lawrence, and might with ease have followed that vessel into close action, instead of which he, the said Captain Elliott, failed to come into close action and to engage the enemy's ship the Queen Charlotte, as he was bound to do by said order and by the example of the commanding officer's vessel, and did remain, during the whole period before mentioned, at such a distance from the enemy as to render all the guns of the Niagara useless, except two long ones, which, consequently, were the only guns fired from that vessel during all the said time, and by which, at so great a distance but little, if any, effect upon the enemy could be produced; of which misconduct and breach of orders the said Captain Elliott was guilty, without any necessity, cause, or excuse, his said vessel being, in all respects, in size, force, equipment and crew, and sailing, fully equal to the Lawrence and the ship he was ordered to engage; and, being also to the windward of the enemy, said vessel could not easily have been kept out of close action, unless the said Captain Elliott had, for that *purpose*, kept, as he did, her main topsail aback and her jib brailed up; by doing which, and by keeping the wind, instead of bearing down upon the enemy, he, the said Captain Elliott, finally carried his said vessel on the outside of the Lawrence and Caledonia, placing those vessels between him and the ene-

my, and was, when his said commanding officer went on board that vessel, keeping her on a course by the wind, which would, in a few minutes, have carried said vessel entirely out of the action, to prevent which, and in order to bring the said vessel into close action with the enemy, the said commanding officer was under the necessity of heaving to and immediately wearing said vessel and altering her course at least eight points.

CHARGE FIFTH.

That the said Captain Elliott, on the 10th September, 1813, being then commander of the United States brig Niagara, one of the American squadron on lake Erie, through cowardice, negligence, or disaffection, did not, in the action on said lake on that day between the American and British fleets, do his utmost to take or destroy the vessel of the enemy which it was his duty to encounter.

Specification.

(Same as to charge fourth.)

CHARGE SIXTH.

That the said Captain Elliott, in said engagement on lake Erie, on the said 10th of September, through cowardice, negligence, or disaffection, did not do his utmost endeavor to afford relief to the United States brig Lawrence.

Specification.

(Same as to charges 4th and 5th, with the following addition :)

In consequence of which conduct of the said Captain Elliott, the enemy's said ship the Queen Charlotte, was enabled to unite her force with that of the Detroit against the Lawrence ; instead of preventing which, or affording any assistance to said brig Lawrence, the said Captain Elliott left that vessel, her officers and crew, (eighty-three of whom were killed or wounded,) a sacrifice to the enemy, although his, the said Captain Elliott's vessel, remained perfectly uninjured, with not more than one or two of his men (if any) wounded, while Captain Elliott continued on board of her.

August 8, 1818. O. H. PERRY.

Copy of Lieutenant Turner's affidavit.

In the battle of the 10th September, 1813, on Lake Erie, between the American squadron commanded by Commodore Perry and the British squadron under Commodore Barclay, the action began when the two squadrons were about a mile apart, by a firing commenced by the enemy; the signal having been made by Commodore Perry, for our vessels to engage as they came up, each against the enemy's vessel, as designated in previous orders, which made the Queen Charlotte the antagonist of the Niagara, commanded by Captain Elliott. It was understood by the American officers before the fight, that it was Captain's Perry's intention to bring the enemy to close action as soon as possible. The Lawrence accordingly closed with the Detroit very soon. The Queen Charlotte made sail for the purpose of assisting the Detroit. The Niagara might have relieved the Lawrence from the Queen Charlotte's fire, if she had made proper exertions to bring her to close action; but, by keeping her maintop sail aback and her jib brailed up, she kept at too great a distance from the enemy to do him any material injury, and sustained scarcely any herself until the Commodore took command of her, who immediately bore up and passed through the enemy's line, firing both his broadsides with such tremendous effect, as compelled him instantly to surrender.

It was the general opinion of the American officers, and expressed with much indignation, that Captain Elliott did not do his duty in the battle, as a gallant and faithful officer; inasmuch as he did not bring his vessel, as soon as he might have done, into close action, which circumstance *only*, made the result of the battle for a short time doubtful. Soon after the victory, Captain Elliott's conduct was spoken of, as well in General Harrison's army, as in the fleet, with great disapprobation and censure. Captain Perry heard of it, and spoke to me of it one evening; said that he was sorry reports were in circulation so ruinous to Captain Elliot's reputation—wished they might be silenced, and desired me to go on shore to the camp, and do all that I could, with propriety, to counteract them—I did so accordingly the next morning. He said the American flag had gained much honor that day, and he wished all his companions in battle to share it with him. Several weeks after this, Captain Perry told me that Captain Elliott wished him to alter that part of his official report which stated that the Niagara did not, until a late period of the engagement, get into close action —and asked me whether I thought that part of his report, incorrect, as it had been agreed to leave the question to be decided by two commissioned officers of the fleet, (Lieutenant Edwards, who was present, and myself being the officers selected,)

I answered, I thought that part of his official report was entirely correct, to which Lieutenant Edwards assented.

Some time after, Captain Perry left the lake, and when the squadron was under Captain Elliott's command, he applied to me and repeatedly urged me to give him a certificate respecting his conduct in the battle. He said that his only reason for wishing one, was to have it in his power to calm his wife's uneasiness, who had heard that his conduct had been questioned; and declared to me, upon his honor, that he would make no other use of it than as a means of relieving her unhappiness.—Thus delicately and unpleasantly situated, I wrote such a certificate as I thought I might, for such an occasion, venture to give Captain Elliott. DAN. TURNER.

Sworn to before,
HOLMES WEAVER, *Jus. Peace.*

Copy of Dr. Parson's Affidavit.

In the action of the 10th September, 1813, on lake Erie, I was stationed in the wardroom of the Lawrence, to act as surgeon. I well recollect, that the wounded, from the first of their coming down, complained that the Niagara (commanded by Captain Elliott,) did not come up to her station and close with the Queen Charlotte, although he had been ordered by signal; and this complaint was frequently repeated by them) till the Lawrence struck, and repeatedly by Lieutenants Brooks, Yarnal and Claxton. It was at the same time observed that the Caledonia was in close action, while the Niagara, a faster sailer, was quite out of the reach of the enemy. After the action closed, the censures upon Captain Elliott's conduct were so general and severe, not only among the Lawrence's officers, but those of the small vessels, that in writing to my friends, the day following, I did not hesitate to say, that Captain Elliott had disgraced himself in the action; and the same sentiment was expressed in the letters of every officer on board who was able to write. These letters were on the point of being sent, when Mr. Hambleton, who had just had a private interview with Commodore Perry, told us the Commodore wished us to be silent on Captain Elliot's conduct; that whatever might have been the appearances during the action, he was then unwilling, after its happy result, to destroy an officer of his rank; and that honor enough had been gained by the action, to permit of its being shared by every one engaged in it.

This request of Commodore Perry was complied with, as far as was practicable; one of Mr. Yarnall's letters, however, had

slipt from his hands before this message was received—and was published.

The second day after the action, I attended the wounded of the Niagara, (the surgeon of that vessel having been sick,) and out of twenty cases, not more than one or two, said they were wounded while Captain Elliott was on board the ship. On board all the small vessels which Captain Elliott brought up towards the close of the action, the number of killed and wounded did not exceed two or three. The number of killed and wounded on board the Lawrence, before she struck, was eighty-three.

In conversation with two officers of the Queen Charlotte, a short time after the action, I asked them why the Queen directed her fire wholly upon the Lawrence instead of the Niagara? He replied, "because the Niagara was so far off we could not injure her."

From all these facts, and others, the officers of the Lawrence and some of the other vessels, felt exceedingly disappointed and displeased with the official report of Commodore Perry, on account of the honorable mention there made of Captain Elliott. *We* have, nevertheless, been willing to believe that the error proceeded from the best motives.

Midshipman Lenox, who commanded one of the small vessels, has repeatedly told me that Captain Elliott had said, in his presence in Buffalo, that he regretted he did not sacrifice the fleet, when it was in his power, and Captain Perry with it.

USHER PARSONS.

Sworn to before me,
HOLMES WEAVER, *Just. Peace.*

Letter from Captain Elliott, to Captain Perry. [*no date affixed.*]

Sir: Communications which have recently been made me, and exact copies of which I herewith enclose you, render it necessary that I should hear from you immediately. As soon as I heard of your late visit to Washington, I lost no time in hurrying off from this place, with a hope that we should meet and settle those differences which have so long existed; your sudden, and to me unexpected, departure from that city, prevented the contemplated meeting; and my orders to sit on a Court Martial, in Baltimore which detained me from this place longer than I at first expected, has induced me to return to Virginia, and instead of the personal interview, which had alone

carried me from home, and which I had so anxiously hoped for would take place, now compels me to address you at a moment when I might seem if prompted by the late public investigation of your Mediterranean command.

The wrongs which I have suffered are many; and after taking a retrospect of all the transactions connected with our affairs which have been made public, I am at a loss to know how it was possible you could have made such representations as are contained in the certificates herewith enclosed. Immediately after the action on Lake Erie, you must recollect, that reports prejudicial to my character were put in circulation; when I called on you for a written contradiction of them, (your answer, I presume, is in your possession) you say in your letter, "You have no fault to find with myself, officers, and crew—compliment me by saying, you are indebted in a great measure for the victory, my bringing the small vessels into close action," and conclude, with a positive assertion, that the Niagara would, from her superior order, have taken the Queen Charlotte in twenty minutes, had she not made sail and engaged the Lawrence.

What, sir, has since occurred, to draw from you such base, false, and malicious reports, as contained in the certificates enclosed? I will conclude my remarks with one or two observations, and permit you to draw such inferences as your feelings of honor may dictate; hoping, that you will never again have occasion, either in the society of the ladies, or that of young navy officers, to make use of expressions of a similar nature, and which, too, intended to my injury. Pray sir, has your memory been so treacherous, as to fail recollecting an interview at Erie, and that you then said, "if I would not dwell on the action, that you would write a private letter to the Hon. Secretary of the Navy, and express your surprise that the country did not give me half the honor in the victory?"

With proper respect,

J. D. ELLIOTT.

Capt. O. H. Perry, &c.

Copies of the Certificates alluded to in the foregoing Letter.

Norfolk, Feb. 2, 1818.

Sir: In conversation with some of the officers of the U. S. ship Washington, your name was mentioned, in connexion with the action on Lake Erie, when Lieutenant W. B. Shubrick observed, that Captain Perry had publicly said your reputation was in his hands, and that the least you and your friends can say on the subject of that action the better for you.

I at the same time said I was your friend, and as soon as an opportunity presented, would make known to you the assertion which is now communicated.

W. H. BRECKENRIDGE.

To Capt. Jesse D. Elliott.

I certify that the above is a true copy of the original, which I have seen in the possession of Captain Elliott.

May 1, 1818. GEORGE T. KENNON.

WASHINGTON, Feb. 27, 1818.

SIR: You having called on me for some assertions made by Captain Perry, I can only state, that some time in the year 1813 I saw Commodore Perry in New York, and mentioned I had received a letter from Captain Elliott respecting the engagement on Lake Erie.

Commodore Perry replied, that Captain Elliott had better be quiet on that subject; that he had understood other letters had been written by him to his friends.

The above conversation between Commodore Perry and myself has never been directly or indirectly mentioned by me to Captain Elliott, until called upon by him here.

JOHN HALL.

I certify the above is a true copy of the original, which I have seen in the hands of Captain Elliott.

G. T. KENNON.
Hospital Surgeon, Gosport.

To the Post Master, Erie Station, New York, for Capt. Elliott.

[Captain Elliott's particular station not being known at this time, you are requested to forward the enclosed to him in such manner as it will be sure to reach him, and you will oblige his friend, M. G. R. RUSSELL.

It is with the deepest regret that the friends of merit observe how much you have been overlooked in the late engagement on Lake Erie. You are bound in justice to yourself, to lay before your country and the world your own share of the glory of that day. You may rest assured that Perry is endeavoring to rob you of *all*. I have a correspondent who resides in Newport, and who heard Perry say, in a private circle, when he was representing the action, that when he went on board the Niagara, he found you pale and trembling like an aspin leaf, and all your officers, and that it was with difficulty he could

get you to obey his commands. Although I have not the honor of your acquaintance, I feel bound, by my attachment to worth and gallantry, to give you this information, trusting to your honor as a gentleman and officer not to betray me; for my friends would highly condemn a step of the kind, and Perry, too, knows my hand writing. But I feel confident you will confine this information to your own breast; it is only for your benefit that I give it.

It would afford me much pleasure to know that you have received this in safety. If you wish to acknowledge the receipt, direct to "Miss Mary G. R. Russell, Petersburg, Virginia."

Captain Perry's reply to Captain Elliott.

Newport, (Rhode Island,) June 18, 1818.

Sir: The letter which I have lately received from you has evidently been written for the purpose of being exhibited to your friends, and in the hope that, passing without reply, it might gain credit among those upon whom you have been long in the habit of practising similar impositions. You had much reason, sir, to indulge in such a hope.

It is humiliating to be under the necessity of replying to any letters written by a person who so little knows what becomes a gentleman. I must not, however, permit you to derive from my silence any countenance to the gross falsehoods contained in your letter, and which it would be an affectation of decorum to call by any other name; such, particularly, is the absurd declaration you impute to me in the close of it, and the perverted account you give of the manner in which I was once induced to write a letter in your favor. How imprudent, as well as base, it is in you, by such misrepresentations, to reduce me to the necessity of reminding you of the abject condition in which I had previously found you, and by which I was moved to afford you all the countenance in my power; sick (or pretending to be sick) in bed, in consequence of distress of mind, declaring that you had missed the fairest opportunity of distinguishing yourself that ever man had, and lamenting so piteously the loss of your reputation, that I was prompted to make almost any effort to relieve you from the shame which seemed to overwhelm you. This, you very well know, was the origin of the certificate I then granted you; and that your letter to me, (of which you once furnished a false copy for publication, and which you now represent as making a *demand* upon me,) was merely an introduction to mine. Another motive I had which you could not appreciate, but which I urged with success on

the other officers : it resulted from a strong, and I then hoped pardonable, desire that the public eye might only rest upon the gallant conduct of the fleet, and not be attracted to its blemishes, as I feared it would be by the irritation excited by your conduct among the officers and men, most of whom, I hoped, had acquired sufficient honor to gratify their ambition, even should that honor be shared by some one who might less deserve it.

The expressions stated in your two certificates to have been made use of by me, when speaking of your unmanly conduct, were probably the most lenient I have for a long time employed when called upon to express my opinion of you ; and, thoroughly known, as you must be conscious your character is to me, it was quite needless for you to have procured certificates of the contempt with which I have spoken of you. You might readily, however, have furnished much more ample ones, and of a much earlier date, than those it has suited you to produce; for you allowed but little time to elapse, after receiving the benefits of my letter, before your falsehoods and intrigues against me made me fully sensible of the error I had committed in endeavoring to prop so unprincipled a character.

If it be really true that you hurried to Washington for the purpose of inviting me to a meeting, it is indeed unfortunate that intentions for which you give yourself so great *credit* have evaporated in a pitiful letter, which none but a base and vulgar mind could have dictated. The reputation you have lost is not to be recovered by such artifices ; it was tarnished by your own behaviour on Lake Erie, and has constantly been rendered more desperate by your subsequent folly and habitual falsehoods. You cannot wonder at the loss : that reputation which has neither honor nor truth, nor courage for its basis, must ever be of short duration. Mean and despicable as you have proved yourself to be, I shall never cease to criminate myself for having deviated from the path of strict propriety, for the sake of screening you from public contempt and indignation. For this offence to the community I will atone, in due time, by a full disclosure of your disgraceful conduct. But that you, of all men, should exultingly charge me with an error committed in your favor, and by which you were (as far as a man in your situation could be) saved from disgrace, is a degree of turpitude of which I had before no conception. O. H. P.

The foregoing documents were published without the knowledge of the relations of the late Commodore Perry. It is with regret they find that the publication has led to a controversy in which they would not willingly have engaged; believing as they do, that the reputation of Commodore Perry in the estimation of the Government and the nation is too well established to require any defence.

Capt. Elliott having however asserted in a newspaper publication, that he had in his "possession the evidences necessary to destroy the object of this attack, and that he had prepared the materials to justify the rank which had been conferred on him, and which he only withheld from publication from motives of forbearance," I considered it my duty publicly to call on Capt. Elliott to exhibit the documents on which he relied for his justification against the charges in the publication to which Commodore Perry's name was attached.

Capt. Elliott has published those "evidences;" and I now in conformity with my pledge, and discharging the duty which I owe to the memory of my brother, lay before the public the following additional documents, which (with the exception of Lieut. D. Forest's letter) have been copied from the original affidavits in the possession of the Committee appointed by the Legislature of Rhode Island to collect documents relative to the action on Lake Erie between the American and British fleets.

MATTHEW C. PERRY.

New York, April 6th, 1821.

Copy of the Affidavit of Lieut. Thomas Holdup Stevens, Commanding United States Sloop Trippe, in the action of the 10th Sept. 1813.

When the American squadron had approached the enemy within about a mile, and the enemy had commenced firing, the signal was made by Com. Perry, to "*engage as you come up, every one against his opponent, in the line as before designated;*" agreeable to this signal, the situation of the Niagara should have been abreast of the Queen Charlotte, and within half a cable's length. The *Lawrence* went gallantly into close action, and her example was followed by the Caledonia, Lieut. Turner; but the Niagara continued to hug the wind, and remained in the position she had taken at the commencement of the action till a few moments previous to Com. Perry's boarding her. There could not be any rational object in the Niagara's keeping at long shot with the Queen Charlotte, as the amount and description of their force was equal, and being principally carronades, no effect could be made by them at the distance Capt. Elliott kept his ship. From the number of light sails the Niagara had, and there being a leading wind, Capt. Elliott might at any period of the action have closed with the enemy, and relieved the Lawrence from the dreadful and destructive fire kept up upon her from the united forces of the Detroit and Queen Charlotte.

It was the general opinion of the officers and men of the squadron, that Captain Elliott did not do his duty in the action of the 10th of Sept.; and that had he been impelled by a becoming bravery, he would have made greater exertions to have taken an active part in the fight. Great irritation was produced in the fleet in consequence of it, and this opinion continued to be freely expressed till it was made known that Com. Perry was desirous of protecting Capt. Elliott from the effects of such reports. Every exertion was made by Com. Perry to screen Capt. Elliott from the injurious impressions made by his conduct: but the volunteers in the fleet did not pay the same regard to Com. Perry's wishes as was done by the officers; and many of them having witnessed the conduct of Captain Elliott, gave full expression to their feelings and opinions respecting him.

It was a received opinion in the fleet, that previous to Commodore Perry's going on board the Niagara, she had but one man wounded, and that her opponent, the Queen Charlotte, from the account of the British officers, had suffered but very slightly previous to being engaged in close action with Commodore Perry.

When the action closed, Captain Elliott was on board the Somers, and the accounts from that vessel were very unfa-

vorable to Capt. Elliott's bravery, as it was reported he beat the Captain of the gun very severely with a speaking trumpet, for having laughed at his dodging a shot which passed over him from the enemy.

Signed, THOS. HOLDUP STEVENS.

WASHINGTON, Jan. 29th, 1821.

SIR,—To bear testimony against the character of a brother officer, is no pleasing task; but there is a paramount obligation that we all owe to our country, which cannot be overlooked but with the implication of personal honor, and to the supremacy of which all private friendship and personal respect must be compelled to bow.

Uninfluenced by other motives, I do now most willingly, (but with regret for the occasion) offer my testimony with regard to the conduct of Captain Jesse D. Elliott, on the 10th day of September, 1813, during the action with the enemy's squadron on Lake Erie. I was the second Lieutenant of the brig Lawrence, Com. Perry's flag vessel, at the time and on the occasion alluded to.—I was the officer of the watch at the moment the enemy was first seen on that day, and reported them to Com. Perry, when our squadron immediately got under weigh and worked out of the bay—after we got out, the wind changed in our favor, and we run down to meet the enemy. After the commencement of the action, Captain Elliott, in the Niagara, instead of keeping on with us, and engaging his opponent as directed, put his helm down and sheered to windward of the Lawrence, leaving the Lawrence exposed to the fire of the enemy's two largest vessels. Some time after the Lawrence had been in close action, and much cut up, I said to Com. Perry, "that brig (meaning the Niagara) will not help us; see how he keeps off; he will not come to close action."—"I'll fetch him up," said Commodore Perry; and immediately ordered his boat. As he left the Lawrence, he said, "If a victory is to gained, I'll gain it." As soon as he got on board the Niagara, she bore up and run down, and in a short time was in close action between two of the enemy's largest vessels. I was on deck from day-light till after the battle was over; and I believed at the time, and do still most solemnly believe, that Captain Jesse D. Elliott was influenced either by cowardice, and fear prevented him from closing with the enemy, or that he wished to sacrifice the Lawrence, and the claim the victory for himself.

It was my firm belief, at the time Com. Perry was making

out of his report of the action, and I believe other officers were of the same opinion, that Com. Perry endeavored so to word it, as to screen Capt. Elliott as much as he could, and that this was done solely from feelings of benevolence.

Respectfully, &c.

DULANY FORREST, U. S. N.

Copy of the Affidavit of Lieut. Stephen Champlin, commanding U. S. Schooner Scorpion, in the battle of the 10*th* Sept. 1813.

In the action of the 10th of Sept. 1813, between the American squadron, commanded by Com. Perry, and the British, under Com. Barclay, on Lake Erie, when we were within the distance of a mile from the enemy, who had commenced firing, the signal was made by Commodore Perry, "*engage as you come up, every one against his opponent, in the line before designated.*" The situation of the Niagara should have been abreast of the Queen Charlotte, and of course as near as she could get, as previous to the action I had always understood from Com. Perry that it was his intention to bring the enemy's fleet to close action in case of a conflict. The Lawrence went into close action in the most gallant style, followed by the Caledonia under the command of Lieutenant D. Turner, who kept her in her station, agreeably to signals. The Queen Charlotte made sail and closed up with the Detroit shortly after the action commenced, and directed her fire at the Lawrence. The Niagara still continued to remain a long way astern, and firing at long shot; a short time before Commodore Perry's going on board of her, she ranged ahead of the Lawrence and to windward of her, bringing the Commodore's ship between her and the enemy, when she might have passed to leeward and relieved the Lawrence from their destructive fire. The wind being at that time S. E. and the American squadron steering large, (with the exception of the Lawrence, she being at that time entirely disabled and lying like a log upon the water,) the Caledonia took and maintained her station in the line, which was just astern of the Commodore during the whole of the action. It was the opinion of the officers and men of the squadron that Captain Elliott did not do his duty in the action on that day, and that had his conduct been that of a brave man, there is no possible reason that can be given why his vessel should not have been brought into close action with

the British squadron, before Commodre Perry went on board of her.

Great indignation was expressed by the officers in general at the base conduct of Capt. Elliott in neglecting to support the Lawrence as he ought to have done. But understanding that the Commodore desired to screen him, they forbore to make any remarks publicly upon his conduct. The volunteers in the fleet, however, not being actuated by the same motives which induced those under Com. Perry's command to remain silent, expressed their feelings without any reserve whatever. At the close of the action, Capt. Elliott was on board of the Somers, and behaved (as was reported by the officers and crew of that vessel) in a manner totally unbecoming an officer, by beating the Captain of the gun severely with a speaking trumpet for his laughing while he, Capt. Elliott, dodged a shot.

On or about the 1st of October, 1813, while commanding the U. S. Schooner Scorpion, on Lake St. Clair, Capt. Elliott came on board: in the course of conversation the battle of Lake Erie being introduced, he observed, "that the officers and men of the Lawrence, including Com. Perry, were by no means entitled to prize money; and still further, that the other officers and men of the squadron were even entitled to prize money for her, she being a recaptured vessel." He also observed, that in the action he was so far from the enemy that he only fired his 12 pounders during two hours and a half; the reason he assigned was, that he had no signal from the Commodore to change his situation: complained much of Commodore Perry's injustice towards him, and said, "*He only regretted that he had not sacrificed the fleet when it was in his power to have done so, on that account.*" He also expressed sentiments to that effect frequently afterwards at Buffalo, as I was informed by the citizens, and Midshipman Senatt, who was present when the observations were made.

(Signed) STEPHEN CHAMPLIN.

Copy of an Affidavit of Thomas Breese, Esq. Purser U. S. N. who was stationed on the quarter-deck of the Lawrence during the action of the 10th of Sept. 1813.

On the 10th of Sept. 1813, the action on Lake Erie commenced by a firing from the enemy's flag-ship, on the Lawrence, about the distance of a mile. *The signal was previously made by Commodore Perry, for our vessels to engage as*

they came up, each against his opponent in the British line, designated by the order of battle, which made the ship Queen Charlotte the antagonist of the Niagara, commanded by Capt. Elliott; it being understood by the Commanders of the American vessels, that it was the intention of Commodore Perry to bring the enemy to close action as soon as possible. The Lawrence immediately closed with the Detroit, and her example was gallantly followed by the Caledonia, Lieutenant Turner, the Scorpion, and Ariel. Shortly after the commencement of the battle, the enemy's ship, Queen Charlotte, made sail and passed ahead of the opponent of the Caledonia, and opened a destructive fire on the Lawrence, in conjunction with the Detroit; but the Niagara, from some mysterious cause, remained in the position she held at the commencement of the action. The conduct of Captain Elliott, in thus keeping his vessel out of close action, was evidently the cause of the great length of time the action lasted, and made the result, for a time, doubtful. When the Niagara passed to windward of the Lawrence, she appeared to have sustained little or no injury. After the action closed, the censure on the behavior of Captain Elliott was general and severe, not only by the officers of the Lawrence, but those of the small vessels; so much so, that the officers did not hesitate to say, that Capt. Elliott must have been actuated by cowardly or ambitious motives, until it was made known, through Lieut. Turner, that it was the wish of Commodore Perry to suppress any reports prejudicial to Capt. Elliott. In conversation with some of the British officers, some time after the action, I heard them give as a reason for the Queen Charlotte's changing her position and firing upon the Lawrence, was in consequence of the Niagara, Captain Elliott, being at so great a distance, that the short guns of their vessels could not be used with effect. It was reported, that Captain Elliott, at the close of the action, behaved in an unofficer-like manner on board the schooner Somers, by beating a Captain of a gun with a trumpet, for laughing as he dodged a shot which passed over him from the enemy. It was the received opinion in the fleet, that the Niagara had but one or two men wounded, on board of her, when Commodore Perry took the command, and that she had sustained but slight injury previous to that time. I frequently heard, after Commodore Perry left the station, that Captain Elliott, then in command, had circulated reports, among the citizens as well as officers, respecting the conduct of Commodore Perry immediately after he got on board the Niagara, which were calculated to injure Commodore Perry, and were honorable to himself.

Signed, THOS. BREESE.

Copy of the Affidavit of Captain Thomas Brownell, Sailing Master of the United States Schooner Ariel, in the action of the 10th September 1813.

In the action on the 10th of September, 1813, between the American squadron, commanded by Commodore Perry, and the British, under Commodore Barclay, on Lake Erie, when we were about a mile distant from the enemy he commenced firing. The signal was made by Commodore Perry, "*Engage as you come up, each vessel against her opponent, as previously designated.*" The situation of the Niagara should have been abreast of the Queen Charlotte, and as near as she could get; as, previous to the action, I had always understood that it was Commodore Perry's intention to bring the enemy to close quarters as soon as possible in case of an action.

The Lawrence went gallantly into close action, but the Niagara continued to keep at a much greater distance astern than when the action commenced.

The Queen Charlotte made sail soon after the action began and closed with the Detroit, for the purpose of directing her fire at the Lawrence in conjunction with the Detroit. The Niagara, by backing her maintop sail and brailing up her jib, was not enabled to fire but at long shots, with her bow guns, for a long time during the action. A few minutes before Commodore Perry went on board the Niagara, she ranged ahead of the Lawrence and to windward of her, bringing the Commodore's ship between her and the enemy, when it was in Captain Elliott's power to have passed to leeward and relieved the Lawrence from the destructive fire of the Detroit and Queen Charlotte, the wind being at that time S. E. and the American squadron steering large, with the exception of the Lawrence, she being at that time entirely disabled and unmanageable. It was the opinion of the officers and men of the squadron, that Captain Elliott did not do his duty on the 10th of September, and that, had his conduct been that of a brave man, there is no possible reason that can be given why his vessel was not brought into close action with the British squadron long before Commodore Perry went on board of her, she being equal in point of sailing with the Lawrence. Great indignation was expressed by the officers in general at the base conduct of Captain Elliott in neglecting to support the Lawrence; but understanding from Lieutenant Turner that Commodore Perry wished to screen Captain Elliott, we forebore to make any remarks publicly on his conduct. The Volunteers, however, not being actuated by the same motives that induced those under the command of Commodore Perry to remain silent, expressed their feelings without any reserve whatever. At the close of the action, Captain Elliott was on board of the schooner Somers, and behaved, as I am told by the officers of that vessel, in a manner altogether unbecoming an officer, by beating a Captain of a gun severely with a speaking trumpet for laughing when he (Captain Elliott) dodged a shot.

He also arrested the commanding officer of that vessel (Sailing Master Almy) for intoxication, and I have frequently been informed, by the officers and men of that vessel, that he was in a perfect state of sobriety, and did every thing that a brave man could do to destroy the enemy. I was ordered to that vessel a few hours after the action and found him perfectly sober, but his feelings much wounded by Captain Elliott's false report. I was told by Lieutenant Champlin and others, that Captain Elliott said he regretted he did not sacrifice the American fleet, and that it was decidedly in his power to have done so. Captain Elliott applied to me for a certificate of his conduct in that action; I told him I could not say any thing in his favor, and that I stood ready at any time to give my sentiments before a Court of Investigation. After the action, I was on board the Caledonia, when *Captain Bignall of the British Navy* remarked, that had Captain Elliott belonged to the *British Navy*, he would have been hanged.

Mr. Magrath, who signed a letter prejudicial to the character of Captain Perry, told me, he would sacrifice his right arm if he could withdraw his name from that paper.

(Signed)

THOMAS BROWNELL.

Copy of the Affidavit of Lieutenant William V. Taylor, Sailing Master of the U. S. brig Lawrence, in the action of the 10th of Sept. 1813.

I am requested to state such facts as came within my knowledge relating to the battle on Lake Erie on the 10th of September 1813, at which time I was Sailing Master on board the Lawrence. Our squadron was then laying in Put-in-Bay, with some small islands, of which Snake Island was the chief, to the leeward. At day light, the enemy's squadron was discovered in the N. W. from the mast head of the Lawrence; when Commodore Perry immediately ordered the signal made, to get under weigh. After we had got under weigh, he asked me, if I thought we should be able to work out to windward of the islands in time to gain the weather gage of the enemy. I replied, that I did not think we could, the wind then being at S. W. and light. The Commodore then said he would wear ship, and go to leeward of the islands, as he was determined to bring the enemy to battle that day, even if he gave them the weather gage. The wind, however, at this time hauled to the southward and eastward, and enabled us to clear the islands, and keep the weather gage. At 10 A. M. the enemy, despairing of gaining the wind, hove to in line, with their heads to the westward, at about three leagues distance; the wind then about S. E. and a light breeze. The signal to prepare for action was made from the Lawrence, at a quarter before meridian. The enemy's flag ship fired a single shot at the Lawrence. *Signal was made for each vessel*

to engage her opponent, as designated in previous orders; which made the Lawrence opposed to the enemy's new ship Detroit, and the Niagara to the Queen Charlotte. *Commodore Perry then ordered the word passed by trumpet, through Captain Elliott, for the American squadron to close up, as before prescribed, which was at half cable's length distance.* At meridian, finding the enemy within reach of our carronades, opened our fire, and continued nearing them until within cannister range, and were gallantly supported by the Caledonia, Lieutenant Turner, and by the Ariel and Scorpion, both on our weather bow. Shortly after the action commenced, I observed the Niagara to be a considerable distance astern, *with her main topsail to the mast, and her jib brailed up: and I am strongly impressed with the belief, that her top gallant sails were never set until Commodore Perry went on board of her,* after the Lawrence had been disabled. Once or twice during the engagement I asked Captain Perry if he observed the conduct of that ship, and the different conduct of the Caledonia. The enemy's ship, Queen Charlotte, taking advantage of the great distance at which the Niagara kept herself, closed with the Detroit, and opened her fire in concert with that ship upon the Lawrence, which proved so destructive that, by half past one o'clock, P. M. we were completely disabled, and our decks covered with killed and wounded: but the animating exertions of Captain Perry kept alive the spirits of the small remnant of our crew, and the action was continued until only one gun could be fired, at which Captain Perry assisted himself. He then determined to quit the Lawrence, and take command of the Niagara, which ship he observed did not appear to be much injured. The American flag, he said, should not be hauled down from over his head on that day. At the time of Captain Perry's leaving the Lawrence, the Niagara was passing our larboard beam, at from a quarter to half a mile's distance; leaving the Lawrence between that ship and the enemy. The Caledonia at the same time passing our starboard beam, and between us and the enemy. I anxiously watched the course of our noble commander, after he left the Lawrence for the Niagara. The enemy had discovered his design, and directed their fire at the boat he was in. He however remained standing up in her stern, until the entreaties of the men prevailed upon him to sit down. I learnt afterwards, that they had implored him with tears not to expose himself as a mark for the enemy's fire; and finally declared, that they would lay on their oars, unless he sat down. It was a considerable time, with all the exertions of the boats's crew, before Captain Perry could come up with the Niagara. When he did get on board that ship, he immediately brought her into action; and passing through the enemy's squadron, poured into them a tremendous fire from both sides. In a few minutes, the enemy's vessels surrendered to him, and struck their colors, except two small vessels, which attempted to escape, but were pursued and captured.

I had assisted in the equipment of the Niagara, as well as the Lawrence. The former ship was in all respects fully equal to the latter, in size—in number, weight, and description of guns—in rigging and equipment, and in point of sailing. Before Captain Elliott arrived on

Lake Erie, the Niagara was commanded by Lieutenant Turner, and the squadron had already been out one cruise, manned chiefly with volunteer militia. Captain Elliott brought up with him from Ontario from 90 to 100 prime men; the chief part of which he took on board the Niagara, which ship was much better manned than the Lawrence; a great proportion of whose crew was on the sick list, and most of the remainder not effective men; consisting chiefly of volunteer militia of all descriptions, and exhausted by previous exertions. I was on board the Niagara, when Captain Elliott took command of her, and when that part of her crew which came from the Ontario first came on board, and I observed that as they came alongside in their boats, he called out from among them the men previously designated for the different posts and stations about the ship and tops; so that it appeared that his men were already selected. This occasioned my observing to Commodore Perry, that the different vessels of the squadron were very unequally manned, in consequence of so great a proportion of the effective men being engrossed by the Niagara alone. He did not think proper, however, to make any alteration. All necessary orders previous to the engagement were distinctly given in writing, and put into the hands of each commander; and the last words of Commodore Perry, to all the officers assembled on the eve of the battle, (as was related to me at the time) were, that he could not advise them better than in the words of Lord Nelson—"*If you lay your enemy alongside, you cannot be out of your place.*" After the firing had commenced on the part of the enemy, at about a mile's distance, Commodore Perry gave an order by trumpet for the vessels astern to close up in the line. *The Niagara was then near enough to the Lawrence to receive and pass this order.* I do not think she was, during the engagement, much nearer to the enemy than she then was, until brought into action by Commodore Perry. It was generally understood, that one or two only of her men had then been wounded. If it had been the desire of the commander of the Niagara to have joined in the action, and engaged the Queen Charlotte, as ordered, I know of no cause which could have prevented his so doing. *The wind, though light, was favorable, and there was as much of it for the Niagara as for the Lawrence.* It was the general opinion of the officers after the battle, that had the Niagara followed the example of the Lawrence, the enemy would have been compelled to surrender in a much shorter time, and with much less loss on our side. So much indignation was excited by the conduct of the Niagara, that even the seamen broke out in open murmurs: but Commodore Perry requested the officers to silence every complaint against Captain Elliott, saying, that sufficient honor had been gained for all; and he was desirous that the public attention might not be attracted to any differences in the fleet. His official account, when read at Erie, gave much dissatisfaction to most of the officers. They thought Captain Elliott too honorably mentioned in it.

(Signed) W. V. TAYLOR,
Lieut. U. S. N.

Extracts from the official letter of Commodore Barclay, Commander of the British fleet on Lake Erie, respecting the action of the 10th September, 1813, taken from Niles Weekly Register, vol. 6, pp. 180, 181, copied from "The second supplement to London Gazette" of Tuesday, February 8th, 1814.

"At a quarter before 12 I commenced the action by a few long guns; about a quarter past, the American Commodore, also supported by two schooners, one carrying four long 12 pounders, the other a long 32 and 24 pounder, came close to action with the Detroit. *The other brig of the enemy, apparently destined to engage the Queen Charlotte, supported in like manner by two schooners, kept so far to windward as to render the Queen Charlotte's 20 pounder carronades useless.*"

"The action continued with great fury until half past two, when I perceived my opponent drop astern, and a boat passing from him to the Niagara (*which vessel was, at this time perfectly fresh.*) The American Commodore, seeing that, as yet, the day was against him, (his vessel having struck soon *after* he left her,) and also the very defenceless state of the Detroit, which ship was now a perfect wreck, principally from the raking fire of the gun boats; and also, that the Queen Charlotte was in such a situation that I could receive very little assistance from her, and the Lady Provost being, at this time, too far to leeward, from her rudder being injured, made a noble and, alas! too successful an effort to regain it, for he *bore up*, and, supported by his small vessels, passed within pistol shot, and took a raking position on our bow."

NOTE.

There are many other documents in corroboration of the preceding charges within the control of the relations of the late Commodore Perry, but they have concluded to publish only the evidence of those Officers who are, at present, living and in the United States; and, in adherence to this determination, the evidence of Lieutenants Packett and Yarnall, (deceased,) one commanding the schooner Ariel, the other 1st Lieutenant of the Lawrence, have been withheld.

In regard to the evidences adduced by Capt. Elliott, it may not be improper to state, that Lieutenants Smith and Edwards, and Purser Magrath, are deceased; Lieutenant Conklin and Mr. S. Wardwell Adams, are no longer in the Navy. There was no officer, in the American fleet, by the name of W. Nicholls.

The following is a list of the Officers, and where stationed, whose testimony is published in the preceding pages.

Lieut. Com. *Daniel Turner*, commanding U. S. schr. Nonsuch, New Orleans station.

Lieut. *Thomas Holdup Stevens*, New York station.

Lieut. *Dulany Forrest*, Navy Yard, Washington.

Lieut. *Wm. V. Taylor*, Newport station.

Lieut. *Stephen Champlin*, Newport station.

Thomas Breese, Esq. Purser U. S. frigate Constitution.

Dr. *Usher Parsons*, Boston station.

Capt. *Thos. Brownell*, commanding a merchant vessel out of Bristol, Rhode Island.

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